

The Federal Government, a Shutdown, and Funding of Planned Parenthood

There are no words to adequately express the horror we all feel over Planned Parenthood's harvesting and trafficking of organs and body parts from their helpless unborn victims. Our revulsion is only intensified by the knowledge that the Planned Parenthood Federation of America (PPFA), the nation's largest abortion chain, receives so much money from all of us, through federal, state, and local government grants and contracts – some 40% of their annual income!

The feeling that we must do something about these atrocities, the same familiar feeling that, from the beginning, compelled each of us to dedicate ourselves as a voice for these voiceless babies, has welled up within many of us with even greater intensity as a result of these videos. This renewed nationwide sense of outrage and urgency is a welcome sign.

The critical challenge now before us is how to effectively channel the energies unleashed in us by these videos into concrete action that will actually save babies. We owe the victims nothing less.

In recent weeks, there has been much discussion about whether or not Congress should refuse to pass a "continuing resolution" ("CR"), leading to a shutdown of the federal government, in an attempt to force President Obama to agree to enactment of a new law that would block Planned Parenthood from receiving federal funds.

What is a continuing resolution, or a CR?

Congress is "supposed to" pass 12 separate appropriations bill each year, before the federal fiscal year begins on October 1. Each of these 12 bills covers a specific set of federal agencies and programs. For example, one single appropriations bill funds programs within the federal departments of Health and Human Services, Labor, Education, and "related agencies."

But often in recent years, disagreements in Congress, and/or between Congress and the president, have prevented enactment of these separate appropriations bill. When the new federal fiscal year began on October 1, none of the 12 appropriations bills had cleared Congress – mostly because Senate Democrats, working in concert with the White House, have used the filibuster to block action on them, in an attempt to win concessions on overall spending levels and various policy matters.

When "regular" appropriations bills fail to pass, Congress often resorts to a "continuing resolution" ("CR") to keep a specific group of programs operating. The CR that cleared Congress and was signed by President Obama on September 30 includes the programs covered in all 12 regular appropriations bills – virtually all discretionary spending for the entire federal government. Basically, federal programs were put on "auto-pilot" by this CR, which runs until December 11.

If no CR had been enacted by October 1, the federal government would have gone into "shutdown," as has occurred several times before. Government functions deemed "essential" continue to operate, but operation of many federal programs and services is essentially frozen. Payments to many federal contractors stop. Many federal employees are put on furlough and their pay is suspended. Federal government shutdowns have proven to be tremendously unpopular with most of the electorate, and overwhelmingly, they blame congressional Republicans when these occur.

Why can't Congress simply strike the portion of the CR that contains the money that goes to Planned Parenthood, and approve the rest?

Neither the recent CRs nor any other federal spending bills include "line items" that specifically designate money for Planned Parenthood. Rather, individual Planned Parenthood affiliates tap into funds from various on-going health programs. The greatest amount of federal monies, comes from so-called "mandatory spending" programs, mostly Medicaid, a huge program created by federal law in which states

collaborate. At least 70%, and by some estimates 90%, of PPFA's aggregate federal funding comes from those sources, with something on the order of \$350 million/year coming through Medicaid.

If you have insurance and seek medical help, the medical provider sends a bill to your insurance company for payment or reimbursement for the services you received. In the case of someone who is eligible for Medicaid, the government acts as the insurance company, either directly or through private managed care plans that contract to provide Medicaid services. The Medicaid patient goes to a doctor or medical facility; the provider sends a bill to the government or the government-proxy managed care plan, and in due course receives payment for the services provided. Planned Parenthood affiliates will continue to provide Medicaid-eligible services and receive federal (and state) reimbursements for such services, unless changes in federal (and state) laws prevent it.

Thus, there is no "line item" to strike in the CR, no place where insertion of a zero will do the trick. Rather, in order to deny federal funds to PPFA, a NEW LAW must be enacted to specifically block funding, either for PPFA by name, or to abortion providers, however described. To pass a new law would require a majority in the U.S. House, 60 votes in the U.S. Senate to overcome a filibuster (or 51 votes, if the filibuster can be sidestepped) – and the signature of President Obama, a staunch defender of PPFA.

Congressional Activity

The U.S. House in recent weeks has passed legislation to de-fund Planned Parenthood, twice (H.R.3134 and H. Con. Res. 79). (The House has also passed a bill that would make it easier for states, at their option, to remove abortion providers from Medicaid, H.R. 3495.) Senate efforts to pass similar legislation have been blocked by filibusters by Democratic senators who support continued monies to PPFA. Even if the Democratic filibuster barrier can be sidestepped (see below), President Obama, a ferocious defender of PPFA, would veto the legislation.

There is a possible route to pass out of Congress a bill that would defund PP, known as the "reconciliation bill." This once-a-year type of legislation, by law, is not subject to a filibuster and can pass the Senate with a majority vote. Such a bill cannot carry airtight language to totally defund PP, but it may attack their major funding streams, the so-called mandatory funding programs. If passed in the House and Senate, the bill will be sent to President Obama. National Right to Life strongly advocates that the 2015 reconciliation bill must contain language to curb Planned Parenthood funding to the maximum extent possible.

Pro-Life Legislative Action

We need a pro-life president in the White House to effectively defund PPFA. In the meantime, and until we overturn Roe v Wade, we can work to, among other things, 1) pass a ban on abortions on unborn babies who feel pain; 2) protect living unborn children from dismemberment abortions which, to the extent that intact digoxin-free specimens are required for experimentation, will go far in putting a stop to Planned Parenthood's harvesting and trafficking of baby body parts, and 3) establish federal penalties for failing to care for a baby born alive during an abortion.

This memo is available on the NRLC website here: www.nrlc.org/communications/ppfundingbackground

A PDF version of this memo is available here:

<http://www.nrlc.org/uploads/communications/100515MemoPPFundingBackground2page.pdf>

A one-page version of this memo is available here:

<http://www.nrlc.org/uploads/communications/100515MemoPPFundingBackground.pdf>